

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Georgia Rochon	Team: Squad #2	CCRB Case #: 201904585	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/22/2019 2:40 PM	Location of Incident: § 87(2)(b)	Precinct: 63	18 Mo. SOL 11/22/2020	EO SOL 7/9/2021	
Date/Time CV Reported Tue, 05/28/2019 3:04 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/28/2019 3:04 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Davidoff	08756	961722	069 PCT
2. POM Andre Morris	15124	956955	069 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Ayana Hill	07766	963569	PBQ/N
2. POM Alexander Castilla	08639	963439	063 PCT
3. POM Zeilabadin Truong	20194	933818	063 PCT
4. SGT Eric Dileonardo	4132	946940	063 PCT
5. POM Ajxan Dalipovski	22136	963943	063 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Davidoff	Abuse: Police Officer Daniel Davidoff stopped § 87(2)(b)	
B.POM Andre Morris	Abuse: Police Officer Andre Morris stopped § 87(2)(b)	
C.POM Daniel Davidoff	Abuse: Police Officer Daniel Davidoff entered § 87(2)(b) in Brooklyn.	
D.POM Andre Morris	Abuse: Police Officer Andre Morris entered § 87(2)(b) in Brooklyn.	
E.POM Andre Morris	Force: Police Officer Andre Morris used physical force against § 87(2)(b)	
F.POM Andre Morris	Force: Police Officer Andre Morris used physical force against § 87(2)(b)	
G.POM Daniel Davidoff	Force: Police Officer Daniel Davidoff used physical force against § 87(2)(b)	
H.POM Daniel Davidoff	Abuse: Police Officer Daniel Davidoff frisked § 87(2)(b)	
I.POM Andre Morris	Abuse: Police Officer Andre Morris frisked § 87(2)(b)	
J. An officer	Abuse: An officer frisked § 87(2)(b)	
K.POM Daniel Davidoff	Abuse: Police Officer Daniel Davidoff searched § 87(2)(b)	
L.POM Daniel Davidoff	Discourtesy: Police Officer Daniel Davidoff spoke discourteously to § 87(2)(b)	
M.POM Andre Morris	Abuse: Police Officer Andre Morris refused to provide his name to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
N.POM Andre Morris	Abuse: Police Officer Andre Morris refused to provide his shield number to § 87(2)(b)	
O.POM Daniel Davidoff	Abuse: Police Officer Daniel Davidoff refused to provide his name to § 87(2)(b)	
P.POM Daniel Davidoff	Abuse: Police Officer Daniel Davidoff refused to provide his shield number to § 87(2)(b)	
Q.POM Daniel Davidoff	Abuse: Police Officer Daniel Davidoff failed to provide § 87(2)(b) with a business card.	
R.POM Andre Morris	Abuse: Police Officer Andre Morris failed to provide § 87(2)(b) with a business card.	

Case Summary

On May 28, 2019, § 87(2)(b) filed this complaint with the CCRB over the phone.

On May 22, 2019, at approximately 2:35 p.m., a 911 caller reported a male with a firearm at Foster Avenue and Ralph Avenue in Brooklyn and provided a specific description of the subject (Board Review 01). Police Officer Daniel Davidoff and Police Officer Andre Morris of the 69th Precinct responded to the call and began canvassing the area in their vehicle.

At approximately 2:40 p.m., the officers observed § 87(2)(b) standing in front of § 87(2)(b) and noted that he matched the description provided in the 911 call. After a brief interaction with § 87(2)(b) the officers exited their vehicle. § 87(2)(b) began to back into the house, and the officers told him not to enter the house, and to stop (**Allegations A and B—Abuse of Authority—Stop—§ 87(2)(g)**). § 87(2)(b) continued to walk backwards into his home, and his cousin, § 87(2)(b) attempted to shut the front door. After pushing open the door, and Police Officer Davidoff and Police Officer Morris entered the home (**Allegations C and D—Abuse of Authority—Entry—§ 87(2)(g)**). As they did so, Police Officer Morris pushed § 87(2)(b) aside (**Allegation E—Force—Physical Force—§ 87(2)(g)**). Once inside the house, the officers grabbed § 87(2)(b)'s arms and pulled him outside (**Allegations F and G—Force—Physical Force—§ 87(2)(g)**). While inside and briefly outside, § 87(2)(b) was frisked (**Allegations H, I and J—Abuse of Authority—Frisk—§ 87(2)(g)**). During one of these frisks, Police Officer Davidoff lifted § 87(2)(b)'s jersey (**Allegation K—Abuse of Authority—Search—§ 87(2)(g)**).

After frisking § 87(2)(b) the officers played the initial radio run for § 87(2)(b) on their walkie-talkies and explained that it was they stopped § 87(2)(b). They continued to investigate the call, during which time Police Officer Davidoff told § 87(2)(b) that if he had not run, the officers could have done what they need to do and “fucking call it a day” (**Allegation L—Discourtesy—Word—§ 87(2)(g)**). § 87(2)(b)'s friend § 87(2)(b) allegedly requested Police Officer Morris's name and shield, after which § 87(2)(b) requested Police Officer Davidoff's name and shield, and neither Police Officer Morris nor Police Officer Davidoff provided any of this information (**Allegation M—Abuse of Authority—Refusal to provide name—§ 87(2)(g)**, **Allegation N—Abuse of Authority—Refusal to provide shield—§ 87(2)(g)**, **Allegation O—Abuse of Authority—Refusal to provide name—§ 87(2)(g)** and **Allegation P—Abuse of Authority—Refusal to provide name—§ 87(2)(g)**). Neither officer provided § 87(2)(b) with a business card (**Allegations Q and R—Abuse of Authority—Failure to provide RTKA card—§ 87(2)(g)**).

§ 87(2)(b) provided footage from the incident, which is located in IA #26 (Board Review 02) and summarized in IA #31 (Board Review 03). Body-worn camera (BWC) footage was also obtained in the course of the investigation. It is located in IAs #112-116, 120 and 121 (Board Reviews 04-09) and is summarized in IA #117 (Board Review 10) and #122 (Board Review 11).

Findings and Recommendations

Allegation (A) – Abuse of Authority: Police Officer Daniel Davidoff stopped § 87(2)(b)

Allegation (B) – Abuse of Authority: Police Officer Andre Morris stopped § 87(2)(b)

Allegation (C) – Abuse of Authority: Police Officer Daniel Davidoff entered § 87(2)(b) in Brooklyn.

Allegation (D) – Abuse of Authority: Police Officer Andre Morris entered § 87(2)(b) in Brooklyn.

§ 87(2)(b) provided a telephone statement on June 3, 2019 (Board Review 12), and was interviewed at the CCRB on June 7, 2019. § 87(2)(b) provided a telephone statement on June 19, 2019 (Board Review 13). Police Officer Davidoff was interviewed on July 23, 2019. Police Officer Morris was interviewed on August 20, 2019.

§ 87(2)(b) testified that at approximately 1:15 p.m. on May 22, 2019, he brought his § 87(2)(b) - old daughter to the park located on East 81st Street between Foster Avenue and Farragut Road in Brooklyn. He was wearing a black Space Jam jersey with a blue and orange “23” on the back and gray jeans. While walking back home to § 87(2)(b), § 87(2)(b) stopped at a gas station. § 87(2)(b) and his daughter were alone for the duration of this outing. Upon returning home, § 87(2)(b) entered the house to get Jello for his daughter, then quickly returned to the open front doorway, from where he observed his friends § 87(2)(b) and “§ 87(2)(b)” on the porch, and a black Chevrolet Impala driving past, inside of which he observed two officers in plainclothes, Police Officer Davidoff and Police Officer Morris.

§ 87(2)(b) exited the house, holding his daughter, and asked the officers if everything was alright. Police Officer Davidoff responded, “What?” and § 87(2)(b) repeated his question. Police Officer Davidoff told § 87(2)(b) to “Turn around,” and § 87(2)(b) did so. When he turned back to face the street, he observed the officers exiting their vehicle and approaching the porch. § 87(2)(b) began to back into the house, and Police Officer Morris told him not to enter the house, and warned him that the officers would follow him inside. § 87(2)(b) continued to walk backwards, ultimately taking three to four steps inside his house, while Police Officer Morris warned him that the officers would, “Come in there and grab you out.”

Police Officer Morris and Police Officer Davidoff entered the house as § 87(2)(b)'s cousin, § 87(2)(b) attempted to shut the front door. Police Officer Morris pushed open this door, pushed § 87(2)(b) out of the way (**Allegation E**, discussed below) and entered, followed by Police Officer Davidoff. The officers pulled § 87(2)(b) out of the house (**Allegations F and G**, discussed below).

In a telephone statement, § 87(2)(b) stated that he observed the initial interaction described by § 87(2)(b) from inside the house, looking out the front door. He recalled that Police Officer Morris asked § 87(2)(b) to turn around from his car, and that § 87(2)(b) did so, after which the officers exited their vehicle. § 87(2)(b) recalled that a black female officer also exited her vehicle at the same time.

§ 87(2)(b) took one backwards step to enter the home, and Police Officer Morris asked § 87(2)(b)

to step out of the house, then entered the home followed by Police Officer Davidoff. As § 87(2)(b) attempted to shut the front door, Police Officer Morris pushed his chest, after which the officers grabbed § 87(2)(b)'s upper-body and pulled him out of the house (**Allegations E, F and G**).

Police Officer Davidoff's testimony regarding the initiation of the incident was largely consistent with § 87(2)(b)'s. He recalled that he and Police Officer Morris were driving in their vehicle when they received a radio run for a black male with light skin wearing a black jersey with a number "23" in blue, jeans, and a fitted blue hat, in possession of a firearm at Ralph Avenue and Foster Avenue in Brooklyn. Police Officer Davidoff explicitly noted that the 911 caller provided a callback number. The officers began canvassing, and did not speak to the 911 caller themselves.

Approximately five minutes after the call came over, the officers observed § 87(2)(b) who closely matched the description provided in the 911 call, on the porch in front of § 87(2)(b) with a few additional adult males and a child who appeared to be two to three years old. Police Officer Davidoff testified that, while still inside his vehicle, he identified himself as a police officer and asked § 87(2)(b) if they could speak with him. § 87(2)(b) asked, "What is this about?" and Police Officer Davidoff reiterated that the officers wanted to speak with him. Police Officer Davidoff and Police Officer Morris exited their vehicle, at which point § 87(2)(b) began to walk backwards into the home. Police Officer Davidoff and Police Officer Morris approached house.

As § 87(2)(b) began to close the front door, Police Officer Davidoff pushed the door open and stepped approximately one foot into the house to grab § 87(2)(b) and pull him outside the house. Police Officer Davidoff stated that he did not know whether Police Officer Morris entered the house, but that he was involved in bringing § 87(2)(b) outside.

Police Officer Morris's account of the beginning of the incident differs significantly from both § 87(2)(b)'s and Police Officer Davidoff's. Police Officer Morris testified that the officers were at the stationhouse when they received the 911 call, and that they immediately left to begin canvassing. Police Officer Morris recalled that he first observed § 87(2)(b) walking quickly southbound on East 59th Street, and that Police Officer Morris told § 87(2)(b) to stop while § 87(2)(b) was still on the sidewalk. Police Officer Morris testified that he did not observe anything apparently in § 87(2)(b)'s waistband, and that § 87(2)(b) was not carrying anything. He asked § 87(2)(b) to stop because he matched the description provided by a "verified" 911 caller, for whom the officers had a callback number and a name.

Once Police Officer Morris told § 87(2)(b) to stop, § 87(2)(b) picked up speed and began to jog, turning towards the third house on the block and entering the house without saying anything to the officers. The officers continued to tell § 87(2)(b) to stop, and exited their vehicle. As they approached the house, Police Officer Morris observed § 87(2)(b) pick up a small child inside, after which Police Officer Morris and Police Officer § 87(2)(b) entered the residence and pulled § 87(2)(b) outside.

Both Police Officer Morris's and Police Officer Davidoff's body-worn cameras were activated after the officers entered the residence. The initial interaction is not captured on any officer's body-worn camera, but, beginning at timestamp 14:41:37, the body-worn camera of Police

Officer Ayana Hill of Patrol Borough Queens North (Board Review 05) shows the approach of Police Officers Davidoff and Morris, as well as their entry into the home, which footage largely matches the testimony provided by all parties. The officers walk towards the front door, walk around the individuals on the porch, one of whom mentions that § 87(2)(b) is holding his daughter, and enter the house. Upon entering the house, they grab § 87(2)(b) by the arm and bring him outside. It is not clear from this footage whether § 87(2)(b) picked up his daughter while inside the house or entered with his daughter already in his arms.

Event § 87(2)(b) (Board Review 01) largely matches the officers' descriptions of the 911 call, except that the 911 caller *declined* to leave a callback number. He provided only his last name as "§ 87(2)(b)" and the callback number was obtained through the "ANIALI" caller-ID system. The officers were made aware of this fact over the radio, when a Sergeant asked if the 911 caller was a "confirmed caller," or whether it was anonymous, and the dispatcher responded that the caller was a male who refused to provide a call back number (Board Review 16).

Otherwise, the officers' testimonies regarding the substance of the 911 call were accurate. At 2:36 p.m. on May 22, 2019, the caller reported a light-skinned black male wearing a black jersey with the number "23" in blue letters, blue jeans and a blue fitted hat walking towards East 59th Street on Foster Avenue with a gun in his waistband.

Stop Report § 87(2)(b), prepared by Police Officer Davidoff (Board Review 17), lists the time of the stop as 2:41 p.m., and the factors that led to the stop as "Proximity to the scene of the crime," and "Matches a specific subject description." The narrative states that § 87(2)(b) was observed in front of § 87(2)(b) and asked to stop due to his fitting the description provided in the 911 call, which provided the officers with "founded suspicion" of criminality. He then entered the house and attempted to lock the door, evading officers, and providing them with reasonable suspicion to investigate.

An officer must have a founded suspicion of criminality in order to ask accusatory questions (People v. Hollman, 79 N.Y.2d 181 [1992]) (Board Review 19). To stop an individual, an officer must have reasonable suspicion that the individual is committing, has committed or is about to commit a crime (People v. Debour, 40 N.Y.2d 210 [1976]) (Board Review 18).

In People v. McNair, 36 A.D.3d 1073 (2007) (Board Review 20), concerning an incident whose details closely match those at issue in the case, the court found that a 911 call made by an identified citizen, providing a specific description and location of a person in possession of a firearm, provided the officer in question with the necessary founded suspicion for a common-law right of inquiry. The flight of the suspect upon the officer's approach, in conjunction with the information provided in the 911 call, provided the officer with reasonable suspicion, justifying pursuit and an investigatory detention.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

. The courts have ruled that an officer may not make a warrantless and nonconsensual entry into a residence unless there are exigent circumstances (People v. McBride, 14 N.Y.3d 440 [2010]) (Board Review 35), officers are in “hot pursuit” of a fleeing suspect (People v. Skinner, 284 A.D.2d 906 [2001]) (Board Review 36) or there is an emergency (People v. Scott, 133 A.D. 3d 794 [2015]) (Board Review 26).

The courts utilize a six-part test to determine whether exigent circumstances exist: “(1) the gravity or violent nature of the offences with which the suspect is to be charged; (2) whether the suspect is reasonably believed to be armed; (3) a clear showing of probable cause...to believe that the suspect committed the crime; (4) strong reason to believe that the suspect is in the premises being entered; (5) a likelihood that the suspect will escape if not swiftly apprehended; and (6) the peaceful circumstances of the entry” (McBride). In regard to the “hot pursuit” exception, the courts have held that an officer must have probable cause to arrest an individual while he or she is outside the private location to be entered (Skinner). Both standards require probable cause to justify the warrantless entry in question.

§ 87(2)(g)

The courts have established two prongs which determine whether an entry is justified under the emergency exception of the warrant requirement: firstly, that the entering officer must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property and secondly, that the officer has something approximating probable cause to associate an emergency with the location being entered (Scott).

In Harris v. O’Hare, 779 F.3d 224 (2014) (Board Review 24), the court found that the “mere suspicion or probable cause for belief of the presence of a firearm does not, on its own, *create* urgency.” Given O’Hare, the officers’ mere reasonable suspicion that § 87(2)(b) had a gun was not sufficient to allow them to enter the house under either the emergency or exigent circumstances exceptions.

§ 87(2)(g)

In Scott, officers in their vehicle approached a man speaking irately on the phone. As they exited their vehicle, the man fled, and an officer observed a firearm in the rear of his waistband. The defendant entered a home and locked the door, after which the officers called the Emergency Services Unit to enter the home without obtaining a warrant. In this case, despite the officers’

lack of knowledge as to whether people were inside the house, the court ruled that the emergency exception did not apply to the warrantless entry.

In Scott, the officers had probable cause to arrest based on the officer's observation of the firearm, and the defendant fled through two yards and a hole in a fence in his effort to evade the officers. Further, the officers did not have knowledge of the occupants of the house into which the defendant ultimately fled. Crucially, they did not know whether there were civilians or even children inside, and had no reason to believe there were not. Even so, the emergency exception did not apply.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (E) – Force: Police Officer Andre Morris used physical force against § 87(2)(b)

Allegation (F) – Force: Police Officer Andre Morris used physical force against § 87(2)(b)

Allegation (G) – Force: Police Officer Daniel Davidoff used physical force against § 87(2)(b)

As discussed briefly above, § 87(2)(b) testified that Police Officer Morris entered the house first, preventing § 87(2)(b) from shutting the front door and pushing him out of the way with his forearm. Police Officer Morris then grabbed § 87(2)(b)'s right arm, in which § 87(2)(b) was holding his daughter, and § 87(2)(b) leaned backwards to avoid being pulled out of the house. Police Officer Davidoff entered, and both officers grabbed § 87(2)(b)'s left hand. § 87(2)(b) continued to lean backwards and resist the officers pulling his arm until he was at the doorway. § 87(2)(b)'s left middle finger was broken and his right ankle was sprained as a result of this physical contact, although § 87(2)(b) could not pinpoint the specific actions that led to these injuries.

In his telephone statement, § 87(2)(b) stated that Police Officer Morris pushed him in the chest area as he entered the home, and that he was not injured as a result of this push. He further testified that the officers then grabbed § 87(2)(b)'s upper-body to pull him out of the house.

Police Officer Davidoff testified that he grabbed § 87(2)(b)'s arm, and that while Police Officer also grabbed § 87(2)(b) he could not recall where on § 87(2)(b)'s body that he grabbed. The officers brought § 87(2)(b) outside while holding his arms, and § 87(2)(b) did not resist being taken outside. § 87(2)(b) did not complain of pain or injury.

Police Officer Morris testified that he grabbed § 87(2)(b)'s right bicep, and then escorted him outside the house. He did not recall whether Police Officer Davidoff touched § 87(2)(b) and stated that § 87(2)(b) did not physically resist as he was being escorted out of the house. Police Officer Morris did not make any additional physical contact with § 87(2)(b) and did not make physical contact with any of the other civilians present.

§ 87(2)(b)'s medical records from § 87(2)(b), a summary of which is located in IA #90, (Privileged Documents 01), showed that he sought treatment on § 87(2)(b) for finger and ankle pain in relation to an altercation with police officers. An X-Ray showed that his finger was fractured, and that his ankle was not fractured or dislocated.

As discussed above, only Police Officer Hill's body-worn camera captured the entry of the officers, however, only portions of their actions while inside the house are visible. After the officers enter, Police Officer Hill faces away from the doorway for a period of time, providing no documentation of the officers' actions inside. However, at 00:51, Police Officer Davidoff can be seen grabbing § 87(2)(b)'s wrist with one hand and then his forearm with his other hand, and pulling. § 87(2)(b) walks out. Police Officer Morris is behind § 87(2)(b) at this point, and thus not visible.

Patrol Guide Procedures 221-01 (Board Review 28) and 221-02 (Board Review 27) permit officers to use a reasonable amount of force to gain compliance from civilians who are failing to comply with a lawful command.

§ 87(2)(g)
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§ 87(2)(g)

Allegation (H) – Abuse of Authority: Police Officer Daniel Davidoff frisked § 87(2)(b)

Allegation (I) – Abuse of Authority: Police Officer Andre Morris frisked § 87(2)(b)

Allegation (J) – Abuse of Authority: An officer frisked § 87(2)(b)

Allegation (K) – Abuse of Authority: Police Officer Daniel Davidoff searched § 87(2)(b)

§ 87(2)(b) testified that after being pulled out of the house, he observed that additional officers had arrived. He walked to the front of the porch, and was frisked by Police Officer Davidoff, Police

Officer Morris and a third officer, a uniformed white male simultaneously, as each officer frisked a different part of § 87(2)(b)'s body. One of these officers lifted § 87(2)(b)'s jersey, but he could not say which. After § 87(2)(b) was frisked and no weapon was recovered, the officers played the radio run and explained why they had stopped him.

§ 87(2)(b) did not recall that any officer frisked § 87(2)(b) or touched him at all once he was brought outside the house, but stated that he was speaking with another officer, and so may have been distracted.

Police Officer Davidoff testified that he frisked § 87(2)(b) outside the house by patting down his waistband and pants pocket area. He did not lift § 87(2)(b)'s jersey. He did not recall whether other officers frisked § 87(2)(b) and did not recall whether any other officer lifted § 87(2)(b)'s jersey. Police Officer Davidoff explained that he frisked § 87(2)(b) because § 87(2)(b) fit the description provided in the radio run for possession of a firearm. After frisking § 87(2)(b) Police Officer Davidoff did not believe that § 87(2)(b) had a firearm on his person.

Police Officer Morris also testified that he frisked § 87(2)(b) while outside the house for his safety. He only checked § 87(2)(b)'s waistband area, and did not lift § 87(2)(b)'s jersey. He did not see any other officer frisk § 87(2)(b) or lift his jersey. Police Officer Morris did not feel anything of note in § 87(2)(b)'s waistband area.

At 00:45 into Police Officer Hill's BWC footage (Board Review 05), Police Officer Davidoff briefly lifts the front of § 87(2)(b)'s jersey slightly, and pats his front and side waist area while they stand inside the house. There is no item visible in his waistband. As seen in Police Officer Alexander Castilla's BWC footage (Board Review 04), beginning at 00:54 in the footage, Police Officer Davidoff pats down § 87(2)(b)'s side pants pockets and back immediately after § 87(2)(b) is brought outside.

After the officers' entry into the house, the entire incident is captured on body-worn camera. No officer other than Police Officer Davidoff is seen frisking § 87(2)(b) on the collective seven body-worn camera footages provided to the investigation.

As per People v. Debour, 40 N.Y.2d 210 (1976) (Board Review 18) a limited frisk of a suspect is permitted when an officer has reasonable suspicion that the suspect is armed, but to search an individual, an officer must have probable cause to believe that an individual possesses contraband or a weapon.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation (L) – Discourtesy: Police Officer Daniel Davidoff spoke discourteously to § 87(2)(b)

By the time that § 87(2)(b) was frisked on the porch, a number of additional officers had arrived. They played him the initial radio run over their radios, and Police Officer Morris and Police Officer Davidoff explained that they had stopped § 87(2)(b) in relation to the radio run. § 87(2)(b) provided Police Officer Morris with his ID, and Police Officer Davidoff made a callback to the 911 caller.

A sub-clip of Police Officer Davidoff's body-worn camera footage (Board Review 33) shows § 87(2)(b) expressing to the officers that he was concerned for his life during the interaction. Police Officer Davidoff responds, "If you just stopped, let me do what I had to do, and then fucking call it a day," the situation would have gone better.

According to Patrol Guide Procedure 200-02 (Board Review 29) the NYPD is committed to "treating every citizen with compassion, courtesy, professionalism and respect." Further, while officers are permitted to use profanity during stressful street encounters, they are not permitted to use profanity in situations in which the profanity serves "No legitimate purpose but to belittle" the civilian (PD v. Pichardo, DAO DCT Case Number 2015-15012) (Board Review 30).

§ 87(2)(g)

Allegation M – Abuse of Authority: Police Officer Andre Morris refused to provide his name to § 87(2)(b)

Allegation N – Abuse of Authority: Police Officer Andre Morris refused to provide his shield number to § 87(2)(b)

Allegation O – Abuse of Authority: Police Officer Daniel Davidoff refused to provide his name to § 87(2)(b)

Allegation P – Abuse of Authority: Police Officer Daniel Davidoff refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that, during the continuation of his interaction with officers on his front porch, his friend § 87(2)(b) requested Police Officer Morris's name and shield number from a distance of approximately four feet. Police Officer Morris backed up without providing his name or shield number. § 87(2)(b) then asked Police Officer Davidoff for his name and shield number, and Police Officer Davidoff did not provide this information.

§ 87(2)(b) stated in his telephone statement that he did not hear anyone ask any officer for their name or shield number.

§ 87(2)(b) declined to provide a statement regarding the incident.

Police Officer Davidoff did not recall whether § 87(2)(b) asked him for his name or shield number at any point, and did not recall whether § 87(2)(b) asked any other officer for their name or shield number. He did not hear any other person on the porch as Police Officer Morris for his name or shield number.

Police Officer Morris testified that no civilian asked him for his name or shield number at any point during the incident, and that he did not recall any civilian asking any officer present for their name or shield number.

The cumulative body-worn camera footage of the incident captures the entirety of the civilians' interactions with officers on the porch. A sub-clip of Police Officer Hill's body-worn camera footage (Board Review 34), shows a civilian male in a white t-shirt, identified by the investigation as § 87(2)(b) saying "We gonna get y'all's names and stuff?" to group of officers that includes at least Police Officer Hill, Police Officer Castilla, Police Officer Davidoff and Police Officer Morris. No officer is heard responding with their name. At no point in the footage is § 87(2)(b) audible asking an officer's name or shield number.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation Q – Abuse of Authority: Police Officer Daniel Davidoff failed to provide § 87(2)(b) with a business card.

Allegation R -- Abuse of Authority: Police Officer Andre Morris failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that the officers left the scene without providing him with a business card.

§ 87(2)(b) stated in his telephone statement that Police Officer Morris provided § 87(2)(b) with his business card immediately before leaving the scene.

Police Officer Davidoff testified that he believed that he provided § 87(2)(b) with a business card at the conclusion of the incident.

Police Officer Morris testified that, at the beginning of all his enforcement activities, advises the individual in question that a contact card is available upon request. Police Officer Morris stated that he informed § 87(2)(b) as he turned on his body-worn camera, and that § 87(2)(b) did not

request a business card at any point. Police Officer Morris stated that civilians must request business cards, because officers “don’t just hand out information.” Police Officer Morris did not recall Police Officer Davidoff providing § 87(2)(b) with a business card.

Police Officer Davidoff’s and Police Officer Morris’s body-worn camera footage ends as they are walking away from § 87(2)(b) at the conclusion of the incident. At no point during any officer’s body worn camera footage, which taken together capture all § 87(2)(b)’s interactions with officers after being frisked, does an officer provide § 87(2)(b) with a business card.

New York City Administrative Code §14-174 states that officers are required to *offer* a business card to any person at the conclusion of law enforcement activity, including all pedestrian stops in which an officer has an individualized, reasonable suspicion that the stopped person has committed, is committing or is about to commit a crime, and all frisks, that does not result in an arrest or summons (Board Review 31).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 15).
- Police Officer Davidoff has been a member-of-service for three years and has been a subject in three additional CCRB complaints and 11 allegations, none of which have been substantiated. § 87(2)(g)
- Police Officer Morris has been a member-of-service for five years and has been a subject in six additional CCRB complaints and 22 allegations, one of which was substantiated.
 - CCRB case 201807315 involved a substantiated allegation of a threat of arrest, and Police Officer Morris received formalized training.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____